



Legislative Bulletin.....May 16, 2005

Contents:

H.R. 540 — Newlands Project Headquarters and Maintenance Yard and Facility Transfer Act

H.R. 938 — Upper Housatonic Valley National Heritage Area Act

Summary of the Bills Under Consideration Today:

Total Number of New Government Programs: \$0

Total Cost of Discretionary Authorizations: \$0

Effect on Revenue: Authorizes \$152 million over 15 years

Total Change in Mandatory Spending: \$0

Total New State & Local Government Mandates: 0

Total New Private Sector Mandates: 0

Number of Bills Without Committee Reports: 2

Number of Reported Bills that Don't Cite Specific Clauses of Constitutional Authority: 0

**H.R. 540 — Newlands Project Headquarters and Maintenance Yard
Facility Transfer Act — *as reported* (Gibbons)**

Order of Business: The bill is scheduled for consideration on May 16, 2005, under a motion to suspend the rules and pass the bill.

Summary: The reported version of H.R. 540 includes the text of seven separate bills, as discussed below.

Title I, Newlands Project Headquarters and Maintenance Yard Facility Transfer Act, would direct the Secretary of the Interior to convey to the Truckee-Carson Irrigation District, Nevada, “all right, title, and interest of the United States in and to real property

within the Newlands Projects, Nevada, known as 2666 Harrigan Road, Fallon, Nevada.” Any funds received by the United States for the lease and sale would be treated as payment in full for the land.

Title II, Inland Empire and Cucamonga Valley Recycling Projects, would allow “the Secretary, in cooperation with the Inland Empire Utilities Agency, to participate in the design, planning, and construction of the Inland Empire regional water recycling project described.” The bill also allows “the Secretary, in cooperation with the Cucamonga Valley Water District, to participate in the design, planning, and construction of the Cucamonga Valley Water District satellite recycling plants in Rancho Cucamonga, California, to reclaim and recycle approximately 2 million gallons per day of domestic waste-water.” The Federal share of cost of both projects may not exceed 25 percent of the total of the project.

Title III, the Riverside-Corona Feeder Water Project, would “allow the Secretary of the Interior, in cooperation with the Western Municipal Water District, to participate in a project to plan, design, and construct a water supply project, the Riverside-Corona Feeder, which includes 20 groundwater wells and 28 miles of pipeline in San Bernardino and Riverside Counties, California.”

Title IV, the Ainsworth Unit, Sandhills Division, Picksloan Missouri Basin Program, directs the Secretary of the Interior to extend the water service contract for the Ainsworth Unit, Sandhills Division, Pick-Sloan Missouri Basin Program, Nebraska, for four years.

Title V, the Wichita Project Equus Beds Division, directs the Secretary of the Interior to assist in the funding and implementation of the Equus Beds Aquifer Recharge and Recovery Component which is a part of the Integrated Local Water Supply Plan, in Wichita, Kansas.

Title VI, Lower Rio Grande Valley Water Resources Conservation and Improvement, authorizes 19 new projects and activities under the Lower Rio Grande Water Conservation and Improvement Program, each with specified costs.

Title VII, Brownsville Public Utility Board and Recycling and Desalinization Project, allows the Secretary, in cooperation with the Brownsville Public Utility Board, to participate in the design, planning, and construction of facilities to reclaim, reuse, and treat impaired waters in the Brownsville, Texas, area. The federal share of the cost of the project described in subsection may not exceed 25 percent of the total cost of the project.

Committee Action: H.R. 540 was introduced on February 2, 2005, and referred to the Committee on Resources’ Subcommittee on Water and Power. The Committee took no action on the bill. However, the reported version of H.R. 540 contains the text of seven additional water reclamation-related bills: H.R. 802, H.R. 1008, H.R. 1197, H.R. 1327, H.R. 386, H.R. 855, and H.R. 863.

In the 108th Congress, very similar language to four of those bills were considered and voice voted in the House, but no action was taken in the Senate: H.R. 802, H.R. 1108, H.R. 1197, and H.R. 855. Similar legislation to the three remaining bills was introduced but not considered in the 108th Congress.

Cost to Taxpayers: A CBO score of H.R. 540 is unavailable, but the bill authorizes \$122 million over 10 years.

Does the Bill Expand the Size and Scope of the Federal Government?: No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

Constitutional Authority: A committee report citing constitutional authority for H.R. 938 is unavailable.

RSC Staff Contact: Derek V. Baker; derek.baker@mail.house.gov; 226-8585

H.R. 938 — Upper Housatonic Valley National Heritage Area Act — *as reported* (Johnson of CT)

Order of Business: The bill is scheduled for consideration on May 16, 2005, under a motion to suspend the rules and pass the bill.

An identical bill to the introduced version of H.R. 938 (H.R. 1798), was considered last Congress by the Committee on Resources and a mark up session was held (H. Rept. [108-365](#)). The provisions of H.R. 1798 were inserted into H.R. 280, which passed the House by voice vote on November 18, 2003. The Senate took no action on the bill in the 108th Congress. *See Summary and Committee Action sections for further information.*

Summary: The reported version of H.R. 938 includes the text of four separate bills, as discussed below.

Title I would establish the Upper Housatonic Valley National Heritage Area in Connecticut and Massachusetts “to conserve the region’s heritage while continuing to pursue compatible economic opportunities.” Specifically, the bill designates the “Upper Housatonic Valley National Heritage Area, Inc.” as the Area's management entity. This management entity would: (1) submit a management plan, for approval by the Secretary of the Interior, which would include policies, strategies, and recommendations for conservation, funding, management, development, and interpretation of the Area; and (2) assist local governments, regional planning organizations, and nonprofit organizations in implementing the plan. The bill would prohibit the entity from using federal funds received under this Act to acquire real property.

Title II contains the text of H.R. 1820, a bill “to amend the Illinois and Michigan Canal National Heritage Corridor Act of 1984” which would designate the Canal Corridor Association to be the management entity for the Illinois and Michigan Canal National Heritage Corridor upon the termination of the Illinois and Michigan Canal National Heritage Corridor Commission. The bill would also provide \$10 million in federal funds to develop and submit a management plan for the Corridor to the Secretary of the Interior, and funds to implement that plan upon approval by the Secretary.

Title III contains the text of H.R. 61, the St. Croix Heritage Area Study, which would direct “the Secretary of the Interior, in consultation with appropriate State historic preservation officers, States historical societies, and other appropriate organizations, to conduct a study regarding the suitability and feasibility of designating the island of St. Croix as the St. Croix National Heritage Area.” The bill would require the Secretary to submit a report within three years to the House Committees on Resources and Energy and Natural Resources.

Title IV contains the text of H.R. 732, the Northern Rio Grande Heritage Area, which would “establish the Northern Rio Grande Heritage Area in the state of New Mexico.” The bill would also designate the management entity for the Area and define its duties, including the submission of a management report to the Secretary within three years.

Additional Background: Congress has established 27 National Heritage Areas around the country, in which conservation, interpretation, and other activities are managed by partnerships among federal, state, and local governments and the private sector. The National Park Service provides technical assistance, as well as financial assistance, for a limited number of years following designation.

The National Park Service defines a National Heritage Area as follows:

A National Heritage Area is a place designated by the United States Congress, where natural, cultural, historic and recreational resources combine to form a cohesive, nationally distinctive landscape arising from patterns of human activity shaped by geography. These patterns make National Heritage Areas representative of the national experience through the physical features that remain and the traditions that have evolved in the areas. Continued use of the National Heritage Areas by people whose traditions helped to shape the landscapes enhances their significance.

National Heritage Areas are a new kind of national designation, which seeks to preserve and celebrate many of America's defining landscapes.

<http://www.cr.nps.gov/heritageareas/FAQ/INDEX.HTM>

NOTE: no legislative criteria exist for designating a National Heritage Area.

Most of the 27 existing National Heritage Areas are located in the eastern third of the United States. To see what and where they are, visit this webpage:

<http://www.cr.nps.gov/heritageareas/VST/INDEX.HTM>

Congress authorized the National Heritage Areas as follows:

- 1 in 1984
- 1 in 1986
- 2 in 1988
- 2 in 1994
- 11 in 1996
- 6 in 2000
- 1 in 2003
- 3 in 2004

For more information on National Heritage Areas, visit this website:

<http://www.cr.nps.gov/heritageareas/>

Private Property Provision: Section 9 of the bill includes the following provision to protect the rights of private property owners:

No privately owned property shall be preserved, conserved, or promoted by the management plan for the Heritage Area until the owner of that private property has been notified in writing by the management entity and has given written consent for such preservation, conservation, or promotion to the management entity. Any owner of private property included within the boundary of the Heritage Area shall have their property immediately removed from the boundary by submitting a written request to the management entity.

Nothing in this Act shall be construed to require any private property owner to allow public access to such private property, or modify any provision of Federal, State, or local law with regard to public access to or use of private property. Nothing in this Act shall be construed to require the owner of any private property located within the boundaries of the Heritage Area to participate in or be associated with the Heritage Area.

Possible Conservative Concerns: In the past, conservatives have objected to National Heritage Areas because such designations usually lead to restrictive federal zoning and land-use planning. That is, residential and commercial private property owners are often prevented from doing what they want on their own property because of federal concerns that the historic landscape would be disrupted.

As J. Peyton Knight of the American Policy Center told the House Resources Committee's Subcommittee on National Parks, Recreation and Public Lands in 2003, "Nearly every Heritage Area has a management plan or statement of purpose that calls for restrictive zoning regulations, under the auspices of more environmental protection, more open space and more historic preservation. This typically results in more infringements upon the property rights of landowners located within the boundaries of Heritage Areas."

Furthermore, Mr. Knight pointed out that National Heritage Areas provide another reason for groups subsisting on federal funds to ask for even more federal funds: “If the Heritage Areas program is allowed to proliferate, experience shows that it will become not only a funding albatross, as more and more interest groups gather around the federal trough, but also a program that quashes property rights and local economies through restrictive federal zoning practices. The real beneficiaries of a National Heritage Areas program are conservation groups, preservation societies, land trusts and the National Park Service essentially, organizations that are in constant pursuit of federal dollars, land acquisition, and restrictions to development.”

Americans for Tax Reform testified to the Parks Subcommittee in 2003 that the National Park Service is already facing a multi-billion dollar maintenance backlog and thus will not practically be able to take on any new maintenance requirements.

Administration Position: Although an Administration viewpoint is unavailable for this legislation, the National Park Service, in testimony before the Parks Subcommittee in 2003 (for H.R. 280), recommended **defer[ing] action on any individual national heritage area designation or study until generic national heritage area legislation is enacted.** (*emphasis added*)

To read the full statement, visit this webpage:

<http://resourcescommittee.house.gov/108cong/parks/2003oct16/tiller.htm>

Committee Action: H.R. 938 was introduced on February 17, 2005, and referred to the Committee on Resources’ Subcommittee on National Parks. The Committee took no action on the bill.

H.R. 1820 (Title II of H.R. 938) was introduced on April 26, 2005, and referred to the Committee on Resources. No action was taken on the bill. In the 108th Congress, similar text was included in H.R. 4492, which passed the House by a voice vote on July 19, 2004. No action was taken in the Senate.

H.R. 61 (Title III) was introduced in the House on January 4, 2005, and referred to the Committee on Resources’ Subcommittee on National Parks. The Committee took no action on the bill. However, the text of an identical bill (H.R. 1594) was included in H.R. 4492, which passed the House by a voice vote on July 19, 2004. No action was taken by the Senate.

H.R. 732 (Title IV) was introduced in the House on February 9, 2005 and referred to the Committee on Resources, which did not consider the bill.

Cost to Taxpayers: A CBO score of H.R. 938 is unavailable, but the bill authorizes \$30 million over 15 years, of which not more than \$3 million may be authorized to be appropriated for any fiscal year. The federal share of the total cost of any activity included in the bill may not be more than 50 percent.

Does the Bill Expand the Size and Scope of the Federal Government?: See Additional Information section above.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

Constitutional Authority: A committee report citing constitutional authority for H.R. 938 is unavailable.

RSC Staff Contact: Derek V. Baker; derek.baker@mail.house.gov; 226-8585

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